

Docket No.: 99P7530US2  
App. No.: 09/280,256

### **REMARKS**

By the amendment, Claims 1-9 and 12-20 are now pending. Claims 1, 5, 6 and 12 have been amended. Claims 18-20 have been added. No additional claims fees are required.

#### ***Claim Rejections - 35 U.S.C. § 103***

The Patent Office rejected claims 1-6, 16 and 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,790,781 by Cox et al. ("Cox") in view of U.S. Patent No. 6,104,819 by Nickum, ("Nickum") and further in view of U.S. Patent No. 4,491,694 by Harmeyer, ("Harmeyer").

The Patent Office rejected claims 7-9 and 12-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,790,781 by Cox et al. ("Cox") in view of U.S. Patent No. 6,104,819 by Nickum, ("Nickum") and further in view of U.S. Patent No. 4,491,694 by Harmeyer, ("Harmeyer") and further in view of U.S. Patent No. 5,283,638 by Engberg, ("Engberg").

Applicant respectfully traverses both rejections. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). See also *In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970). Applicants respectfully submit that claims 1-9 and 12-20 include novel and nonobvious elements that have not been disclosed, taught, or suggested by the combination of Cox, Nickum, Harmeyer and Engberg.

For example, claims 1, 6 and 12 recite presenting a visual graphical image suitable for receipt of a control signal. This is advantageous as it allows a user to easily select whether the user wishes to answer a telephone call through a speaker phone or headset. The user can, for example, move an arrow to an icon and click a respective button or icon to select a desired function. (Instant Application, Page 4, Lines 25-29).

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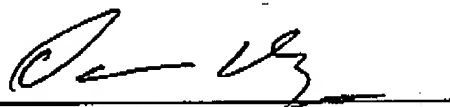
Neither Cox, Nickum, Harmeyer and Engberg, singularly or in combination, disclose, teach or suggest presenting a visual graphical image suitable for receipt of a control signal. Consequently, under *In re Ryoka*, a *prima facie* case of obviousness has not been established for claims 1, 6 and 12. Claims 2-5, 7-9 and 13-20 are believed allowable due to their dependence upon an allowable base claim.

#### Conclusion

Applicants respectfully submit that all claims are allowable, and it is respectfully requested that the entire application now be passed to formal allowance.

Respectfully Submitted,

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